

Remarks upon the NAVY.

The Second Part.

CONTAINING

A REPLY to the Observations
on the First Part.

WITH

A Discourse on the DISCIPLINE of the
Navy, shewing that the Abuses of the Sea-
men are the highest Violation of *Magna*
Charta, and the Rights and Liberties of
English Men.

*In a Letter from a Sailor to a Member of the
Honourable House of Commons.*

*Hæc nisi inde aberunt, centuplex murus rebus servandis
parum est. Plaut. in Persa.*

London, Printed in the Year 1700.

Remarks upon the N. A. V. Y.

THE UNIVERSITY OF CHICAGO

The Second Part

OF THE

REMARKS on the NAVY.

S I R,

I Thank you for sending me the Observations upon the first part of my Remarks on the Navy, because it came while I was writing something upon the Discipline of the Navy; so that at the same time I have an opportunity to correct the Insolence of that insignificant Scribler. I can assure you, Sir, I am as well acquainted with the Gentleman he scandalizes, as the Author himself is with the Secretary of the Admiralty; and tho I much prefer Argument before Reviling, I must spare a few Paragraphs in vindication of one that bears a better Character in the world than this trifling Observator can pretend to. This Author says, that what he has sent into the World, is the Effect of *Ale* and *Brandy*: Now I know that Gentleman never drinks one of those Liquors, and very seldom of the other; so that beginning his Book with a *Lye*, you have little reason to believe him afterwards. There was, Sir, in our Time, one Captain *Fudge* Commander of a Merchant-man, who upon his

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Return from a Voyage, how ill fraught soever his Ship was, always brought home his Owners a good Cargo of *Lies*, insomuch that now aboard Ship the Sailors, when they hear a great *Lye* told, cry out, *you fudge it*. Now, Sir, I must give you to understand that this memorable Captain *Fudge* got diverse and sundry Sons, some for the Admiralty, some for the Navy, and some for Merchants Service; and this Author's Talent of *Lying* coming up to the Standard of the Sire, we can believe him to be no other than young *Fudge* of the Admiralty, and by his Multiplication of Lyes, may be admitted to Seniority, and take place as elder Brother.

Young *Fudge* tells you, page 4. that the Party he scandalizes turned his back upon an Office wherein he was employ'd; but if he were restored to the Bread and Cheese he is fallen from, he dares answer for it that his Mouth would be stop'd, and never open'd again on the like Subject: and this place, he says, pag. 6. was Clerk of the Cutting-house at 40 *l. per Ann.* Do but mark the reason of the empty Creature; A Place of 40 *l. per Ann.* did not stop his Mouth, and therefore the same place of 40 *l. per Ann.* will stop his Mouth. Such consequences as these, are the natural Product of the Brains employ'd in the Navy; where a wonderful Stupidity, join'd with a good stock of Impudence, never fails of Preferment. But I can assure him that Gentleman is so far from desiring such an Employ, or scandalizing himself by serving the Navy under such an Administration, that he would not tell those men his name for such an Office.

He tells us in the same Page, that he has a *deserved Poverty*. Now it is no Crime nor Sin to be poor. But it is very hard for a man to be cheated of his Right,

Right, and then reflected upon for his Poverty. His Poverty indeed is deserved on the account of his Services to this Government and his Country: Young *Fudge* is in the right on't here; for great care has been taken to keep those down, that rose most early in the Service of their Country. These Reflections are but so many Arrows shot at themselves; for there was never a man in that Office to which this Gentleman belong'd besides himself, that ever ventur'd a Hair of his Head in the Service of his Country; yet at the same time, a parcel of poor insignificant Mortals, as foolish as fortunate, enjoy'd places of 400 *l. per Ann.* in that Office. Now the reason why this Gentleman took this mean Employ in that Office, was upon the account of an Uncle of his, then a Commissioner there, who brought him into that, in prospect of another much better, likely then to be vacant; for which he had the promise of a certain Person, who deals so much in Religion, that he cannot afford us any of his Morals, or so much as once be true to his word.

This Observer *fudges* on, and tells you *p. 5.* That this Gentleman some years ago could not prove his Allegations before a Committee of the House of Commons. How he came to have more sense than the whole House of Commons, I can't tell: for upon the report of that Affair to the House, they were not of such an Opinion. He tells you in the same Page, that he is Poet Laureat to the *Calves-head Club*: but if young *Fudge* were to be hang'd, or make good this Assertion, he would be in a fine Condition. In *p. 6.* he magnifies his Knowledge, by acquainting the world he has served two Apprenticeships in the Naval School of *England*. I have known one that served two Apprenticeships in a University, and yet as great a

Fool as if he had never been there. He tells you a-bundance of Stories of his good Services, of his Honesty, &c. p. 7. which we may believe to be e'en as true as what went before; for if it be true, he is a Nonsuch. He would make us believe, that he has not enrich'd himself by his Employment, and that he gets not one 4th part of what his Predecessors got before him. One Reason of this may be an Order put up in their Office, that no Officers thereunto belonging should take any Bribes or Rewards; and I could wish another Article had been tack'd to that Order, *viz.* That the Commissioners should receive no Presents of Prize Wines from the Commanders.

Page 7th he says that he holds his Accuser in the *greatest Contempt*. Not so fast good *Fudge*: the Accuser you pretend, is a Gentleman born and bred; but you have skip'd to a high pitch of Insolence, since you were *Pip's* Footboy, and your good Lady Mother kept an Apple-stall in *Westminster*, with a little Net over it, lest some unlucky Boy should rob her of a Pennyworth of Apples and a halfpennyworth of Gingerbread, and so break her at once. Tho you are skip'd up to Preferment, you must not undervalue men of Birth and Education, especially one that has forgot more Learning than ever you were capable of remembering.

Page 8. he tells you that this Person did sometime since by Letter acquaint the Lords of the Admiralty with several Abuses in the Navy, but especially in the managing of the Victualling; their *Lordships* did thereupon signify their desire to speak with him; but when he attended them, he excused himself by saying, That he had formerly laid those Matters before other Persons without Success, and had little hopes of
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faring better from them. Now here is young *Fudge* again. For the Gentleman tells me that he never writ a Line to the Lords, before their Lordships sent a Letter to him, requiring him to attend them. He came to the Office according to their Lordships Order, and enquiring of the Doorkeeper whether their Lordships were sitting, the Door-keeper gave him a surly answer, and slap'd to the Door; however he knock'd again, when Mr. Door-keeper looking out, saluted him with a *what does the Fellow want?* At which the Gentleman gave him some hard Language, and told him their Lordships had sent for him; but if they had nothing to say to him, he had nothing to say to them. Soon after this he was admitted to their Lordships, who indeed received him with a Civility answerable to their Characters, and gave him all the Reason in the World to imagine they were real in their Intentions to redress those Grievances they were willing to be acquainted with. But the Secretary acquainted their Lordships, that this Gentleman had printed a scandalous Libel, reflecting upon the late Commissioners, which was confirmed to their Lordships by another Scribe there, tho, I believe, neither of them saw that Gentleman's face before that time; which, together with some other scurvy Reflections, without any Reprimand from the Board, was discouragement enough for him not to lay any thing before them.

He says, *pag. 11.* That this Gentleman, when the Board called before them the Commissioners for Victualling, upon a Complaint of Mr. *Kelly*, did not so far shew his Zeal to the Publick, as to appear face to face with those Gentlemen. Truly 'tis no wonder he did not appear, when he knew nothing of the Business: Did their Lordships give him any notice? or did they order:

order him to attend at that time? He prints a Letter from Mr. *Burchett*, pag. 10. to the Author of the Remarks, which he says may sufficiently testify he had an Opportunity offered him to bring to light what he knew upon Mr. *Kelly's* hearing. Well said young *Fudge*. The Letter to the Author is dated *September 11.* and Mr. *Kelly's* hearing was the *6th* of the same Month, five days before. This is Admiralty Reason all over. He says, at that time the Management of the Victualling was solemnly examined into, when Mr. *Kelly* summoned about 50 Witnesses, and but about a fifth part of them were called in and examined; this was a solemn Hearing indeed. 'Tis true, he was no stranger to Mr. *Kelly's* Complaint, but encourag'd him to lay it before that Board, in order to judge by their Management of a piece, what they would do with the whole.

Upon this Hearing Captain *Boults*, the Purveyor for Corn, a Gentleman that knows more of the business of the Victualling than all the rest concerned therein, was discharg'd from his Employment by their Lordships. I know not the Merits of Captain *Boults's* Discharge, but am fully assured that Mismanagement lay at the door of another Person. However this Gentleman hearing it buzz'd about the Victualling Office, that Capt. *Boults* was discharged for accusing one of the Commissioners, and knowing it to be the constant practice of the Victuallers to discharge all such as made Complaints, thought it would be in vain to bring any more Persons before their Lordships to testify any thing against the Commissioners, they being assur'd of a discharge by one Board or the other. But this Gentleman being unwilling to believe a thing upon a bare Report or Surmise, went up to the Lords to know of them whether Captain *Boults* was discharged upon the
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said Account or no: But there being not a full Board, their Lordships declined giving him any answer to his Question. And this is the true Account of the matter, however *Fudge* with his *Billinggate* Rhetorick has been pleas'd to misrepresent it.

Our empty-brain'd Author in the same Page, reflects on my Folly, in being concerned that the Lords of the Admiralty, upon receiving a Letter signed *A. B.* offering to make Discoveries, do cause to be inserted in the Gazette the subject Matter of *A. B.*'s Letter; and would be gladly informed, if two Letters should come at the same time, signed *A. B.* to the very same purpose, and with the same Date, how he could satisfy either the one or the other *A. B.* their respective Letters were received, without knowing something of the Contents of them. Certainly this cannot puzzle the boasted Wisdom of the Admiralty. If both Letters are signed *A. B.* and both of them contain the same matter; if one of the *A. B.*'s appear, it may be sufficient. And if after one *A. B.* has appear'd, if they are desirous to hear what the other *A. B.* can say, 'tis but Gazetting again, and they'll be acquainted with both: or otherwise, suppose their Lordships in one Advertisement should require both the *A. B.*'s to appear, mayn't this be done without telling the subject matter of their Letters, which are both to the same purport?

It is observable this Admiralty Officer, always in his Scribble, loads Complainers with the infamous name of *Informers*. Is this Character the mighty Encouragement they give to Complainers? 'Tis well they han't all their Throats cut, as one lately had at *Portsmouth* upon such an Account; for those who have serv'd their Country after this manner, have for the generality met with such Treatment, or the recompense of starving

or losing their Employments. It's a hard Case that such as complain of Grievances, should undergo the scandal of Informers, when such as informed against Conventicles in the late Reigns, meet with such Encouragement in this, as a Journeyman Apothecary, a common Informer and Persecutor, was made Commissioner of the Viſtualling. I could mention many more such that have got good Employments, when such as complain of Grievances get only the abusive title of Informers from our Admiralty folk.

Young Fudge says, page 12. of his Railery, That I am angry that the Fleet was not sent from the Downs before the 15th of July last, in order to prevent a supposed Invasion. And indeed, says he, *I cannot wonder at his having so deep a sense of an Invasion, since (if I am not very much misinform'd) his shewing an early good will to an Attempt of that kind in the late Reign, procured him such Treatment as will always stick in his Stomach; and perhaps his meaning is, That then he ventur'd his Life for the preservation of his Country: and that you may know what Invasion he means, he tells you in the Margin 'twas the Duke of Monmouths.* I could tell you a pretty Story, were it convenient, concerning the Methods of destroying that unfortunate Duke; but as for the Invasion I know nothing of it: when a People are robb'd of their Liberty, and are brought into perfect Slavery, they may come to the recovery of their Rights either by Land or by Water. And it is justifiable in any Person, tho never so obscure, to head an armed Company in defence of their Rights, much more a Person of that Duke's Quality, however unfortunate. That our Rights were then Invaded is beyond dispute, when at that very time the late King was collecting the Customs and Excise without Act of Parliament. I make

no question but this Admiralty Tool, who in this Reign calls the Duke of *Monmouth's* Disembarkment an Invasion, will in the next say as much of the Prince of *Orange's* Descent; for I dare engage, like the Vicar of *Bray*, he'll hold in under all Governments, if fawning, sneaking, and lying will effect it. But prithee *Fudge*, according to the Doctrines of Passive Obedience and Non-Resistance, the avowed Principles of thy Party; how can'st thou hold an Office under a Government built upon the Ruins of those Doctrines? but thy Conscience is a State Weather-cock, turned about by the wind of any Revolution. The treatment I met with in the late Reigns was indeed severe enough, and none but an ill-bred Skipkennel would reflect upon a Man for his Misfortunes, which he has undergone with so much Reputation and Credit; nor are my Hardships under this Government much less, only with this difference, that I was as early to bring this King in as I was to drive the other out: nor am I alone in these Misfortunes, there are many beside my self that are discouraged by this Government, when many are enabled to buy themselves into Offices with the Money they got for Pardons of the D. of *Monmouth's* followers: and if the Recovery of our Rights be not justifiable, I shall with this Author conclude, that I did not then venture my Life for the preservation of my Country.

Page 13. concerning the Fleet's lying in the *Downs* till *July*, he says, "He cannot foresee that they might not have been as ready from thence as any other place to prevent an Invasion: For, supposing a Neighbour of ours had put to Sea with any such Design, and with a greater Strength, and that our Ships by being far Westward had been cut off from Succour, I would gladly know whether we had not

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“ then been in a hopeful Condition to defend our
 “ Country ? For in such a Case it would have been
 “ next to an impossibility to have sent an additional
 “ Strength to their Relief, a greater Force being be-
 “ tween them and such Succour ; so might they upon
 “ any Alarm, when in the *Downs*, either have gone
 “ from thence, and attack’d the Enemy with the
 “ Strength they had, or have continued there some
 “ time till more Ships could have joyn’d them from
 “ the River.

I can see no Reason why our Ships should be too far
 Westward, or so far Eastward as the *Downs*, unless
 we pursue the old Methods of sending them farthest
 out of the way, when they should do us most Service.
 If a Neighbour of ours had a design to invade us, I
 think it a very improper Station to prevent it, to ride
 with our Ships at one end of his Country ; when I stand
 in the middle of a Thing, I can see more of that Thing
 than if I stood at either end. Now in submission to the
 Admiralty Politicks, I suppose the *Downs* the worst
 Station for our Shipping to obstruct an Invasion ; in
 the first place it is a great way off any of the Enemies
 Ports, where their Ships of War are laid up ; and then
 the Winds hanging Westerly for at least two thirds of
 the Year, the Enemy have an Opportunity of in-
 vading us when our Ships are Windbound ; and they
 have all the Coast of *England* clear from the *Downs* to
 the *Lands-end*. I should rather imagine *St. Helens*,
Spithead, and *Stokes-Bay*, a proper Station for our Ships
 at such a juncture. If we are not strong enough in
 shipping, they are more readily supplied with an addi-
 tional force from *Portsmouth*, from whence they may
 be join’d in a few Hours. When our Author says, in
 the *Downs* they may be join’d from the River in a little
 time,

time, he says he knows not what ; suppose the Winds are contrary, it blows a Storm, or our great Ships are be-neapt. It's true, there are not so many Ships laid up at *Portsmouth*, as in *Chatham* River ; but I hope they may be fitting out on such an Occasion, both at *Chatham* and *Plymouth* at the same time. We are in no danger from the Eastward, the Enemy has but few Ports that way, and all that Coast is a Lee-shoar above half the Year ; and all the other Ports of our Enemy being to the Westward of *St. Helens*, if the Wind should spring up to the Eastward, and bring any of the Enemies Ships from an Eastern Port, they cannot join their other Ships without obstruction from our Fleet. But I shall go too far upon this Subject ; for young *Fudge*, a little lower in this Page, tells me I am but a fresh Water Sailor, and consequently can have no knowledg in Naval Affairs : perhaps I have seen as much of the Sea as young *Fudge* himself ; I think I saw more of it in the great Storm in *February* last, than ever I shall desire to see again : yet suppose I am no Sailor, but a meer Landman, why mayn't one Landman talk of Ships Stations, as well as another Landman appoint them ?

Now we must allow our *Fudge* to say something in defence of an Office, in which he possesses so eminent a Post : he that will lye, will without doubt swear for his Masters ; he says the Royal Navy of *England* is not fallen to decay, but on the contrary, " That in-
" stead of such a Misfortune, our Royal Navy is at
" this time in a much better Condition than it was at
" the entrance into the War. Thank you for nothing, good Sir, after so many Millions spent. I hope the Navy Officers han't embezeled all the Money appointed for that Service ; 'tis a hard case if we have not more Ships built, and our Dock-Yards fuller of Stores :

but this is not the Question, Are our Ships as well Officer'd? are they as well man'd, are they as well paid? have they as good a Discipline? Yes, he says, " As to " the Oeconomy and Discipline, there is no Man who " is a proper Judg thereof, but will readily own very " many Embelishments have been added thereunto by " the Care and Pains of those worthy Persons who " commanded both at Home and at Sea, since the afore- " said War commenced. The Embelishments added to the Discipline of the Navy, he inserts in five Rules or Directions, p. 17. appointed to be observed in order to the returning to their Majesties Service, such Men as shall be put on shore sick or hurt, from their Majesties Ships. He tells you nothing how these Rules and Directions were observed, how the Complaints upon breach of these Directions have been redressed, not one word of this matter. Now to these five Rules and Directions of Navy Discipline, I shall at the end of this Paper add twelve more, which Mr. *Dennis* in his Paper presents the World, under the name of Grievances; and in the mean time, Sir, shall discourse something concerning the Discipline of the Navy.

The Sailors are the only People of the English Nation, that are left to the discretionary Power of their Commanders, a Power indeed which belongs only to a Being which is always Wise, and ever Just. When Men execute such a Power, it can be call'd no otherwise than Arbitrary, for all Men are born to some Rights, and those Rights are secured to them by some Laws. Now to take away from them those Rights in defiance of those Laws, is an action in it self Arbitrary. No Court of Justice in *England* can give a Sentence so definitive, that the Defendant shall have no Appeal to any other Court. If I am cast at Com-

mon Law, I can appeal to Chancery ; if in Chancery I have a Decree against me, which I esteem extrajudicial; I can appeal to the highest Court of Parliament : but the poor Sailors Case comes not under the Cognizance of any of our Courts, they are oppress'd by the Discretionary Power of their Commanders, without any equirable Relief, according to the Constitution of their Country. I shall here therefore endeavour to show that the Discipline of our Navy has been directly contrary to our Constitution, and then leave any one to judg of that Discipline, whether it has not been matter of just Complaint, and an abominable Abuse upon the Sailors.

The 29th Chapter of *Magna Charta* says, No Freeman shall be taken or Imprisoned, or be disseized of his Freehold, or Libertties, or Free Customs, or be Outlaw'd or Exiled, or any otherwise destroyed; nor We will not pass upon him, nor condemn him, but by lawful Judgment of his Peers, or by the Law of the Land. These words *per Legem Terra*, in the end of this Chapter, do refer to all the precedent matter contained in it. Now I give any one leave to judg whether the Impresssing Seamen for the Service, be not a violation of *Magna Charta*, when Men are taken and imprisoned a Shipboard six or seven Years together. To say we are a free People when any of us are in effectual Slavery, is meer Nonsense ; for the same Power that deprives one part of the People of their Liberty, may enslave the whole People. And yet how many Press-Warrants have we had granted from the Admiralty to Men that are no Officers ? For none are such, but those that are under the Cognizance of the Laws of the Land : Where do our Laws make mention of a Press-master ? Whom do our Laws commisionate to constitute :

rute such Officers? Now when a Freeman is taken and imprisoned by an Officer not known to our Laws, such an Act is a downright Piracy upon the Liberty of the People.

' If they object, That without this Discipline the Ships of War cannot be mann'd for the security of the Realm: if it be Necessary, make it Legal; we had as good lose our Country, as lose our Rights. But how have Navys been supply'd with Men in former Ages? When the Nation's Service was accounted the best at Sea, and Men made Interest to get before the Mast; this proceeded from the good Discipline of those times, the good Usage of the Seamen by their Commanders; they were not then poison'd with bad Provisions, Pease-Bread, and stinking Beef and Pork; they were not then kept out of their Pay by Q's and R's: Such Men as General *Blake*, the Earl of *Sandwich*, *Dean*, *Lawson*, *Bourn*, *Minns*, &c. were familiar with their Sailors, and instead of calling them damn'd Dogs, or Sons of Whores, call'd 'em Brethren. The Abuses of Seamen in this point, during this War, have been very considerable, but without Redress, as their other Grievances have; and some have been commissioned in this Affair, too big for me to mention, and have received Salaries for this piece of Service, tho I could never hear of any Service they did, save only a Customer's impressing a great many Masters of Ships at *Brightelmstone*. They were not only Seamen they press'd, but many times Landmen, when the press Smacks coming into small Creeks took such Men away, and carrying them 40 or 50 Miles from their own homes, have left them to beg their way to their own Country; many thus have had their Limbs starv'd by lying upon the Ballast, being
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unaccustomed to such hardships ; and when any of the Landmen thus pressed have been discharged, they have paid 12*d.* *per* day to the Master of the Smack for Diet, and no doubt but the King paid near as much. Now I perceive the main Reason of want of men, is our want of good Commanders. Capt. *Jumper*, nor any of those Commanders during the War that used their men honestly and civilly, ever wanted their Complement of men: But our Beau Commanders, the Sir *Courtsys* of the Sea, if they were forced to man their Ships upon their own Credit and Reputation amongst the Sailors, would not be able to bring them from the River to the *Downs* in a twelve Month. And to keep these Creatures in Commission, we must it seems make a rent in our Constitution.

No man shall be disseised, i. e. put out of *Seisin*, or dispossessed of his Freehold, i. e. Lands or Livelyhood, Liberties or Free Customs, which belong to him as his free Birth-right. Now to say that a Seaman has not as good a Right as any to the Free Customs, Franchises, and Liberties of the Country he is born in, is very absurd. If a Landman has a liberty to go on Foot, or Horseback, or by Coach, to follow that Employ whereby he gets his livelyhood; has not a Seaman the same Right, to sail in what Ship and to what Port he pleases?

No man shall be outlaw'd, made an *Exlex*, i. e. debarred of the Benefit of the Law of the Land, unless it be done according to Law. Now according to the Discipline of the Navy, are not all our Sailors Outlaws, and deprived of the Benefit of the Law, when they are not their own men, but liable to be taken into Custody, and deprived of their Liberty by every rapacious Press-master?

No man shall be exiled, banished from the Place of his Nativity. *Nemo perdet Patriam*. By the Laws of our Land, no man can be banished from his Native Country, but upon two Accounts. 1st. Either by the Power or Authority of Parliament; or 2^{dly}. In case of Abjuration for Felony by the Common Law. The King himself cannot send any Subject of *England* against his Will to serve him out of this Realm, so that he should be an Exile, and that he should *perdere Patriam*. But it seems the Officers of the Navy have a greater Power than the King, who can force *Freemen* from their Country, and send them to serve in the most remote Regions of the World.

No man shall be destroyed (*Destruere id est quod prius structum & factum fuit, penitus Evertere & Destruere*) unless by a Legal Verdict. By destroying is meant forejudging of Life and Limb, or putting to Torture or Death; every oppression against Law by colour of any usurped Authority, being a kind of Destruction. Now to apply this to the Discipline of the Navy. What dee' think of whipping our Seamen at the Gears, and then basting their flea'd Backs with as many Canns of Pickle as the Commander by his discretionary Power pleases to order? Are not our Ships thus become meer *Bridewells*, and our Sailors as bad or worse than Gally Slaves? nay, I have known a Boy of 2 or 3 and twenty years of age lash'd to a Gun and whipt, a punishment given to the youngest Boys on board Ship. Had our Commanders any Religion, our Seamen might stand in fear of the Inquisition. If a stop be not put to their Barbarous and Inhumane Cruelties, they'l in time borrow the Rack from the *French*, and the Boor and Thumb Screws from the *Scots*. Can you blame the Sailors for running from such Tortures, and shall they be

be punisht for complaining of their Miseries. 'Tis this, Sir, that dastardizes and effeminates the noble Spirits of your Seamen : 'Tis this makes them desert the Service of their Country : 'Tis this peoples Colonys of Pirates abroad : And 'tis this will in time be the Ruin of the most Glorious Navy of the Universe. Nor are Pecuniary Mulcts a less Crime. How this came to be a part of the Discipline of the Navy, I can't tell ; but when men govern by their Will, and not by Law, we must every day expect new punishments. But if it's reasonable that the Sailors should be punisht after this manner, is it not as reasonable that the Mulct should be answerable to the Crime ? If a Sailor be absent from his Ship a Week, is not that Week's pay sufficient to be stopt for that Week's Crime ? The Fines in our Courts of Justice are laid according to the Worth of the Criminal, exorbitant Fines having in all Ages been esteemed extrajudicial : no man can be fin'd more than he is capable of paying ; and to fine a Person to the full Value of his Estate, is giving away all a man has been gathering for many Years for one Piccadillo.

By Lawful Judgment of his Peers, and by the Law of the Land. Peers, that is his Equals, men of the same Rank and Quality with himself. But the Sailors are not try'd after this manner, the same Person is Accuser, Judge and Jury : they have no Indictment, no Jury empannell'd, no Counsel to plead for them ; strip they must, and to the Gears ; the Cat of nine-Tails, and the Pickle Cann must be exercised upon the Back, as long as the Whipping-Tom upon the Quarter Deck is pleas'd with the sport. 'Tis pity young Fudge's dearly beloved Friend Jefferies is dead ; he exercis'd his Talent so well in the late Reign in the *West*, that he

would have made an excellent Navy Officer now. They are to be try'd too by the Law of the Land, *i. e.* by due Process of Law, for so the words are expressly expounded by the Stat. of 37 Ed. 3. Chap. 8. But instead of this Trial, they are punish'd by the Law of the Admiralty without any Trial at all. So that the poor Tarrs are a sort of People that have no Right at all to any thing but ill Usage and barbarous unmanly Punishments; Punishments that are superior to Death it self, because ignominious and shameful; *malim mori quam vapulari*. But our Navy Officers, like the *Sicilian* Tyrants, employ their Brains more in contriving new sorts of Punishments, than in finding out good and wholesom Laws to maintain a Discipline in the Navy.

Thus, Sir, I have given you a short view of the Inconsistence of the Navy Discipline with the fundamental Laws of our Realm; a Discipline not only contrary to the Laws of our Country, but even to the Laws of Nature, and the practice of the most uncivilized part of the world. And upon the whole I must conclude, that they being warrant'd by no Law in the Execution of these Severities, have assumed to, and vested themselves with a Legislative Power, a Power I shall never own to be lodged any where but in Parliament. But if the People of *England* are so far willing to part with their Constitution, as to suffer the Navy Officers to make Laws penal, 'een let 'em allow the Lords of the Treasury Power to raise Mony, and then our Business is brought into a very narrow Compass; 'twill be a great ease to you Members of Parliament, you may retire into the Country, walk over your pleasant Fields, and sit under your own Vines; but I can tell you in a short time who'l eat
your

your Grapes. Pray, Sir, do but call to mind the days of old, the years of your Forefathers; look into the Chronicles of former Ages: did any of your worthy Progenitors suffer their Rights thus to be invaded by men that are their Servants, and receive their Pay? Have they not left you Copies of your Freedom, sealed with their own blood? What Hazards have they run? what Dangers have they attempted? what Battels have they fought to secure to Posterity those Liberties they valued before their Lives? Are not our Liberties the same? Has envious Time devoured any part of them? Are they less amiable because they are old? Did they bring Kings to distress, shatter Crowns, and humble Tyrannical Princes, who invaded their Birth-rights? And will you suffer your Freedoms, your Antient Constitution thus to be rent and torn by men of inferior Quality? Whom your Forefathers would have impeached in the name of the good People of *England*, and made them answer for assuming to themselves a Legislative Power. If you read an excellent Book lately published, entituled, *A Vindication of Magna Charta*, you'll there see how valuable those Rights were, and what Toil and Labour our Forefathers underwent to keep them entire, and transmit them to Posterity.

I shall in the next place prove, that the Commissioners for executing the Office of Lord High Admiral of *England* during the War, have assumed to themselves a Dispensing Power.

By an Act, *Anno Gulielmi & Mariae 4to, & 5to.* entituled, *An Act for continuing the Acts for prohibiting all Trade and Commerce with France, and for the Encouragement of Privateers*, p. 505. it is enacted,

" That if any Captain or Officer, or any other Per-
 " son by his Command or Direction, or any Seaman,
 " or Souldier, or other Person serving in their Ma-
 " jestys Navy, or in any Privateer, shall take to him
 " or themselves, or imbezle any Mony, Plate, Goods,
 " Lading or Tackle, or any things upon, or above
 " the Gun Decks, or any other part or place whatso-
 " ever, in any Ship taken or seized on for Prize, or
 " retaken from the Enemy, the party offending shall
 " lose and forfeit the Shares, Proportions and Re-
 " wards to him allowed by this Act. And also in case
 " such Person be an Officer, he shall forfeit the Sum
 " of five hundred Pounds; and such Officer shall be un-
 " capable of any Office or Employment under their
 " Majestys during the space of seven Years.

Many Commanders of Ships, guilty of embezling
 Prize Goods, and of running of Wines, &c. contra-
 ry to Law, have notwithstanding this been either
 continued or restored to their Commands. If your
 Honourable House pleases to send for a List of such
 Commanders as have been discharged, and after-
 wards restored to their Commands, and examine in-
 to the merits of the Cause for which they were dis-
 charged, you will find this a manifest Trueth. To have
 the Kings ships become Quakers, is far worse: as lately
 a parcel of Wool was seized on board the *Isabella* Yacht,
 that has the station betwixt *Southampton* and *Jersey*.
 I know not how her Pilot Mr. *Peter de St. Croix*
 (whom I have known much averse to things of that
 nature) was prevailed on to take the Matter upon
 himself; But this I know very well, that if your
 Honourable House would enquire into this single thing,
 it would be of great Advantage. I am sure the Judges
 took the Case right enough, whatever the Opinion
 of.

of the Admiralty might be concerning it. If a Merchant makes a mistake in entering of Goods, the King's Officers are sharp enough upon him; but when Officers themselves, or Commanders of the Navy are guilty of these Crimes, they have Friends to bring them off, tho' contrary to the Laws of the Land.

Now, Sir, for these very Practices, for the Dispensing with Laws, did we depose the late King *James*: Upon this Account had this very Government its Being. And shall we suffer Men in Commission under the Government, not only to make new Laws, but dispense with old ones? Their Power is indeed very great, who can make Laws, inflicting Punishments upon others, when no Laws are binding upon themselves. They are self-holders of the Admiralty, supported by an uncontrollable Power, and Sovereign Will. What a miserable Condition are those Men in, that are under the Command of such whose unlimited Rage always roars, and where Laws are always silent? This is the Oeconomy of the savage Beasts of the Earth, and thus our Offices become meer Deserts.

I shall next show you how these makers of new Laws are Repealers of the old, good, and wholesom Practices and Customs of the Navy. Their *Fudge* tells you of the Embellishments they have added, but not of the Ornaments they have taken away. It has been the constant practice of the Admiralty in the days of yore, to prefer Men according to their Merit and Demeanour on Ship-board: the Navy of *England* was in those times a School, wherein the young Gentlemen of the Nation were educated and instructed in the Military Arts of the Sea, and became greatly serviceable to their Country. These Men being descended from generous Stocks, valued their Reputation, and scorn'd to do any thing that

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that might blot or stain their Pedigree. The Sailors of the Navy had then better Treatment, abuses being beneath the Character of Gentlemen : Cruelties and Barbarities are inconsistent with the nature of generous and noble Spirits ; Whipping and Pickling was then a Punishment unknown. Cruelty and Cowardice are things inseparable, and practised only by Men of a servil Education. If a Foot-boy or Page be made a Commander, he remembers the Flaps of the Cook-maids Dishclout, the Basting and Caning of his Master's Steward ; and now it comes to his turn to domineer, he tyrannizes with a resistless Fury. Those Gentlemen that were Reformades, or King's Letter-men, were sure of being Lieutenants in former times, and as sure of being Captains in their turn ; no Foot-boys or Pages then skip'd over their Heads. But now you may find Lieutenants of many Years standing in the Navy, while Masters of Merchant-men, &c. are made Commanders of 3d Rates, a Post in former Ages not beneath the Dignity of Noblemen ; as for instance, the Earl of *Ossory* in the *Resolution*, and the Lord *Mulgrave* in the *Royal Katherine*. Our Ships were then throng'd with Noblemen, their Sons, and the Sons of our Gentry. But how many of Quality have served in the Fleet during this War ? And is not the loss of Discipline the apparent Cause thereof ? For 'tis contrary to the very being of generous Spirits to serve under the Command of the Riffraff of their Country, and to do Homage to Men of more inferior Qualities than their Servants. And what encouragement is thus given to those Gentlemen that have served a long time in the Navy as Lieutenants or otherwise, when those that never served the King one hour are preferred over their Heads ? It is farther observable, that the Masters of such

such Merchant-ships as have been hired into the Service during the War, by the Interest of the Owners, have been made Commanders of them, to the Discouragement of such as have served in the Navy: such Commanders in an Engagement were more likely to save the Merchantships from blows than hazard them in the King's Service. But for all this they boast of the Discipline of the Navy, as a thing excelling that of former Ages, in defiance to publick Opinion, and the Results of the mature Debates of the Wisdom of the Nation. Yet upon this Account have the Enemies of the Government no occasion to reflect upon it, no more than the Husbandman is to be blamed for the numerous quantities of Weeds that spring up among his Wheat. The King never gave his Commission to the Officers of the Navy to oppress his Subjects, to silence old Laws, and enact new Ones. And 'tis much to be feared, methods are taken to prevent the Complaints and Cries of the Subject from reaching his Majesties Ears; otherwise we cannot imagine a Prince that has experienced so much of their tender Affection, of their Bravery in War, and the generous Supplies they have given him to preserve his Person and Government, would suffer them to languish under such intolerable and illegal Evils. If they had Commissions granted upon such an Account, we should know whereabouts we are. Yet tho such Commissions, being out of the Verge of the Executive Power, are to be accounted for, the Persons executing them are not excusable, however it fared with the Ministers of the late King *James*. But we have no room for Imaginations of this kind under this Government. And I may farther add, that were his Majesty truly sensible of the Condition of his Sailors, he would not suffer such Abuses upon them;

he would not withhold from them their Wages, upon the Account of pretended and illegal Forfeitures : his wonted and manifest Clemency must create in us better Thoughts, than that he who has pardon'd Assassins, such as have conspired to take away his Life, that has eased *Newgate* so often of its burden of Criminals of all sorts, by Acts of Grace and Free Pardons, will suffer his Sailors to lose their Pay, and starve for innocent Crimes, without extending his Mercy towards them.

Now, Sir, having given you a true account of the nature of our Naval Discipline, I shall spend a little more time in considering what young *Fudge*, the Admiralty Author, has to say for his Masters. P. 21. he says, " Care has been always taken to do Justice to the Sailors ; for when any one produced reasonable Testimonials that he did not designedly desert the Service, but after Recovery endeavoured to return to his proper Ship, if in the way, or entered himself in any other Ship or Vessel within reach, or that he was Impressed when endeavouring so to do, the Q has been taken off, and he restored to his Pay. Now the question is, what those reasonable Testimonials are ; a few Guineas to young *Fudges*, I believe as good a Testimonial as can be. But what do Testimonials, Certificates, or things of that nature signify, if they won't receive them ?

He tells you, p. 21. " That the Lords of the Admiralty did in less than six months time, relieve at least 750 of the seventeen hundred Persons that made Application. How long was it before their Cause was heard ? How long had their Petitions lain at the Board ? It was near six months before the seven hundred

dred and fifty were relieved; and before the seven-
teen hundred can be relieved, it will make it up
eighteen months, or thereabouts. Now suppose be-
fore they were heard, their Petitions lay but 6 Months,
this added to the 18 Months makes two Years; and
suppose some of these Men have but six or twelve
Months pay due to them, is it worth while to attend
two Years to sollicite for six Months Wages, which
they are not certain of getting at the two Years end?

He tells us, *pag. 22.* "That the Seamen have been
" much wanting to themselves and Families, as to
" forfeit their Pay by turning their Back upon their
" Duty. When Men have been five or six Years in the
Service without one penny of Wages, can you blame
them? Who would not turn their Backs upon such a
Service? Are a Servant's Wages forfeited, because he
deserts his Master's Service? Are not his Wages as
recoverable by Law, as they were before he deserted?
'Tis much to be feared that Men are thus kept out of
their Pay, on purpose to make them desert the Ser-
vice; for the Money for their Service is without
doubt brought into the Pay Office, and the longer it
lies there, the better it is for the Cashiers: The very
Interest thereof comes to something; they may lend
it the Government at 8 *per Cent.* I rather think the
Sailors are more wanting to themselves and Families, by
entering into the Service, than by leaving it: For in
a Merchant-man they might meet with good Usage
and good Pay. And suppose the major part of the
Sailors of the English Navy are impressed into the Ser-
vice, must they be made Prisoners, and lose their due
for giving themselves that Liberty, wherein the Laws
of their Country, of God and Nature have set them
free? I believe if young *Fudge* were to be whipt and
pickl'd

pick'd for 22 s. 6 d. *per mensem*, he would near hand desert the Service. These Men do not run away from their Pay, but they run away because they are not paid; but young *Fudge* is like the Fellow that beat his Dog till he stank, and then beat him for stinking.

Now our Naval Politicks are quite spent, the whole Store of Admiralty sense and rallery is at an end: for *Fudge* repeats in *pag.* 23. the very same dull stuff that preceded in *page* 22. And upon the whole, Sir, have you not here a very fine Account of the Management of your Navy? This is an entire System of our Naval Politicks, written no doubt *permissu & emendationibus Superiorum*. If we are to be invaded, you see our Ships Stations at that time must be in the *Downs*; this is but a sample of their wonderful Sagacity, and what we must expect from their Conduct. And as for their Naval Discipline, I hope I have set you right in that Point; for tho I must needs acknowledg a Discipline in the Navy to be very necessary, yet there's difference betwixt flaring and stark mad. Men ought to be kept to their Duty, but not by such severe and inhumane Methods as shall frighten them from the Service. By such a Discipline we shall have no Men to exercise our Discipline upon, but shall act like the wise Commander, who sunk his Ship to drown the Rats. By such a Discipline we shall not only bring upon us the Curses of the Sailors, but the Curses of God Almighty, who hears the Cries of the Oppressed, and punishes Kingdoms for such acts of Violence. These Men that impose such strict Discipline on others, have none among themselves. If their Attendance at their respective Offices were enquired into, you will find as much reason to prick them Run, as the poor Sailors. Some of them can be absent three or four Months together, and yet receive

receive their Pay without any Q or R. We are not, you know, Sir, in Debt, and therefore can allow one of the Victuallers to look after his Oxen in the Country at Summer, to sell them a good pennyworth to the King at Winter. Bring but our Sailors upon the same foot with the Commissioners of the Navy, and Victualling; let their Ships be double mann'd, as those Offices are double Commissioner'd, that one half may do Duty while the r'other half is absent, and we'll no more complain of Q's and R's.

I am sure, Sir, I have not mispent my Time, if these few Pages prove any ways serviceable to the common good of my Country: Tho indeed I should have taken no notice of my trifling railing Observator, had I not before resolv'd to publish my Thoughts on the Discipline of the Navy. How considerable soever he may think himself, because he occupies an immerited Office under the Government, he thinks himself unanswerable, as you may see in the very first Paragraph of his Book, with which I shall conclude; says he, "It might have
" been reasonably believed, that the Author of a late
" Pamphlet, relating to Mismanagements in the Na-
" vy, would have left of Scribbling, since the Answer
" to his last Year's Politicks left him so little Re-
" putation. Now you must know, Sir, that young
Fudge last Year printed an Answer to my *State of the Navy*: It contain'd about as much stuff as a halfpenny Ballad, tho not half so much sense. But because no body took any notice of him, he thought every Body acquiesc'd with his Opinion, and that his Nonsense pass'd as current with Mankind, as a Seaman's Ticket does for 7 s. and 6 d. in the Pound. It is impossible for a Man that has no Reputation to blast the Credit of another in the Opinion of good and just Men, the only

Persons whose Favour I esteem ; and I can assure young *Fudge*, if he adds a dung Cart full of Lies to the Wheelbarrow he has fill'd already, I should not stain my Reputation to rake in his Dirt. The reproaches of Fools, the scandals of the Rabble, are no cause of Resentment to Men that know better how to employ their Thoughts ; nor am I any more concerned at things of this nature, than the Moon, who keeps on her steady and constant Course, while all the little Dogs in the Parish are barking at her.

F I N I S.

The First Grievance is Queries.

THE Nature and Effect of those Queries are, That every Man set on Shoar sick, and not returning to his proper Ship or some other in one Month, or immediately after discharg'd from sick Quarters; thereby forfeits his Wages.

The Second Grievance is R's.

And those R's have of late been strenuously observed, if not improved to the Seaman's Prejudice. The Nature or Effect of those R's as now practis'd, is, That the Persons who by accident or otherwise, do leave or are left by their proper Ships, are by those R's noted to be Run, and forfeit all the Wages due to them, not only in the Ships they leave, but in all former Ships as far as the same is unpaid, notwithstanding Tickets long before delivered them for their former service ; by what new Rules or Orders this is practis'd I cannot say, but am well assur'd 'tis contrary to the former Practice and Rules of the Navy.

The Third Grievance is,

The deferring or non-payment of the Wages of such as are dead or absent, notwithstanding others have attended with sufficient Power to receive the same, and no colour of Objection, and those to whom it's due ready to perish for want : to such there are several 100000 l. now due and in Arrears, which should have been long since paid.

The

The Fourth Grievance is, the unusual and irregular manner of Payment lately practised, *viz.*

Some Ships that have three or four Years Pay due, have been paid only ten or twelve Months, the latter time, and the former left unpaid upon account of their Companies being turned over into other Ships.

adly. Some Ships paid for the whole time, yet many People left unpaid.

The Fifth Grievance is,

Turning Men over from Ship to Ship, lending them, and bearing them by List, that they know not in what Ship, nor by what means they may obtain their Wages.

The Sixth Grievance is the Alteration of Officers Qualities.

By this their Wages have been retrenched, some from 3l. to 36 s. others from 36 to 23 s. &c.

The Seventh Grievance is,

Non-payment of Powers (or Letters of Attorney) made to Officers; that is, if any Officer's Father, Brother, Relation, or any other Friend hath served in the Navy, and hath made a Letter of Attorney to such Officer to receive the Wages, he is denied Payment of the same.

The Eighth (tho not a positive) Grievance;

Yet as Matter worthy Consideration, I shall hint something touching the smallness of the able Seaman's Pay, and would not omit the Gunners, Boatswains, and Carpenters herein.

As for the able Seamans Pay, it is 24 s. per Month, the Deduction from the Registered Seamen 1 s. and from those that are not Registered 1 s. 6d. per Month, so that their Pay is but 22 s. and 6 d. The Warrant-Officers before-mentioned, have Pay according to the respective Rates they are in.

The Ninth Grievance is,

The Difficulty of obtaining His Majesty's gracious Bounty allowed the Widows and Children of such as are slain in His Majesty's Service, and the Monies due for the Clothes of such as die; which Clothes are generally sold at the Mast; such Seamens Families and Relations being at a distance, and not knowing where to find the proper Officers to sign such Certificates as required

quired for the Payment of such Bounty and Clothe-Money, hath been long delayed, and often-times intirely lost.

The Tenth Grievance is,

The Non-payment of the Register'd Seamen, (not to insist on 40s. per Annum hitherto unpaid) I shall only mention the Case of the Widows, Friends, and Relations of such as have died in the Service, with respect to their Wages.

1. Such as die on Voyages to Holland, France, the Narrow-Seas, &c. their Wages are refused to be paid according to the Act, it being alledged that such are not Foreign Voyages.

2. Such as have been bound out on Foreign Voyages, and died before the Ships departure from England, their Wages are also refused.

3. Such as have been on Foreign Voyages so accounted, and in such Voyages have contracted Sickness, whereof they have died immediately after the Ships Return to England; their Wages are also refused, as not intended by the said Act to be paid.

4. Such as have gone out in one Ship, and served a considerable time in her, and afterwards turned over into another, and there in a few Months died; the Widows of such are paid for the Ships only wherein they died, and not for the former.

5. Such Commission and Warrant-Officers as are Register'd who die on Foreign Voyages, their Wages are refused, as not intended to be paid by the said Act.

The Eleventh Grievance is,

The Government and Discipline used in the Navy; but there being already good and wholesome Laws provided, both for suppressing Vice, and encouraging Virtue, I have little to say, only that the Epidemical abounding of Vice and Debauchery through the whole Fleet, too evidently demonstrates the Neglect, if not the Contempt of the said Laws: And it would be well if the Practice and Example of superior Officers did not so much contribute to the same; and whether this (with a fordid and lascivious Punishment, viz. Whipping and Pickling, much used of late, and that on frivolous Occasions) do not tend to the disaffecting of the Spirits of our English Seamen, and the animating and emboldening our Enemies, and consequently to the Nations Prejudice, 'twill do well to consider; and if found to be so, to redress the same.

The Twelfth Grievance is,

The fraudulent Dealing of many that pretend to solicit Business, and receive Wages in the Navy, by which the Seamen are also prejudiced; but the Particulars hereof being too long to insert herein, shall at present omit the same.

Errat. Page 16. line 15. for destruce read obtrude.